

DOCKET NO.: 4204.3-2

PATENT

REMARKS

Rejection of claims 1-5

The rejection of claims 1-5 based on the combination of Peshkin et al. and Kano is respectively traversed. The combination fails to meet each and every element of claims 1 and 5, and thus cannot also meet each and every element of dependent claims 2-4.

It is respectfully submitted that Kano does not, in fact, disclose the steps listed by the Examiner as being absent from Peshkin et al. Lines A1-B1 and A2-B2 are not lines of site. Rather, they are lines extending between projections of points A and B onto X-ray film. Two different images are captured, one for each stereoscopically aligned "photographic point" O1 and O2. The lines of site refer to the lines extending between an x-ray source and an x-ray detector through the points. The amendment of claim 1 is intended simply to make this clear, as there is no other reasonable interpretation for the phrase "lines of site."

Furthermore, exception is taken to the stated motivation for making the combination, as it seems to be premised at least in part on a misreading of the claim.

Rejection of claim 6-10

These claims have been cancelled. Therefore, this rejection is moot.

New Claims 11- 26

These new claims are not being submitted in response to a rejection. It is submitted that they are patentable over the art of record.

Regarding claims 11-24, for example, Peshkin et al. does not disclose or suggest measuring dimensions of anatomical objects or measuring the velocity or acceleration of such objects. Kano relies on stereoscopic pairs of x-ray images to determine sizes of anatomical images. This is a very different type of method than what is claimed. For example, Kano makes

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no reference to providing what is, in effect, projection of a virtual object into the images so that the object can be aligned with what is to be measured and the virtual object then measured. To combine the teachings of Peshkin et al and Kano would require a fundamental and substantial change in the method of Kano.

Claims 25 and 26 are directed to a method of measuring velocity and acceleration not disclosed or suggested by any of the references.

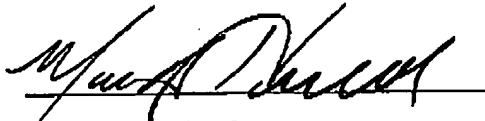
Therefore, for the forgoing reasons, the outstanding rejections should be withdrawn and all the claims allowed. Such action is respectfully requested. The Examiner should feel free to telephone the undersigned representative to resolve any outstanding issues.

Accompanying this Amendment and Response is a Petition for a Extension of Time. The Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this communication to Deposit Account No. 13-4900 of Munsch Hardt Kopf & Harr, P.C.

Respectfully submitted,

Date:

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